THE HONOURABLE SRI JUSTICE

B.SESHASAYANA REDDY

WRIT PETITION NO.14960 OF 2005

DISPOSED OF ON 23-08-2005

Between:

B.Bala Shranthi Varun …petitioner

And

The Secretary, State Board of Technical

Education and Training, Hyd……..respondents

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O R D E R :

1. This writ petition has been filed by B.Bala Shranthi Varun with a prayer to issue a Writ of Mandamus declaring the action of the Secretary, State Board of Technical Education and Training, Andhra Pradesh, Hyderabad-1st respondent and the Principal, Government Polytechnic College, Masab Tank, Hyderabad in not issuing provisional certificate as illegal, arbitrary and consequently direct respondents 1 and 2 to issue provisional certificate to the petitioner.

2. The petitioner passed SSC in the year 2001. He took admission into Inter Vocational Course. He passed the said course in the year 2003. He appeared for Bridge course which consists of Maths, Physics and Chemistry conducted by the Board of Intermediate Education and passed the same in the year 2004. He made an application for admission into Diploma from Government Polytechnic College, Warangal. He has been admitted to II year diploma Polytechnic course with Admission No.1583/1 on 6.9.2003. After taking admission he passed Bridge course in the year 2004. After completing 2nd year, he made an application to the Principal, Government Polytechnic College-2nd respondent to give admission into III year Polytechnic course. The petitioner has been admitted to III year course in Government Polytechnic College, Masab Tank, Hyderabad. He appeared for final year examination in March, 2005 and has been duly declared as passed and memorandum of marks was issued on 1.6.2005. He has to get the provisional certificate. In the mean while, 1st respondent issued a telegraphic order on 3.6.2005 calling upon the 2nd respondent not to issue provisional certificate to the petitioner on the ground that the petitioner has not passed Bridge course (deficient subjects).

3. It is the contention of the petitioner that the passed the Bridge course in the year 2004 as per notification dated 17-6-2003 and therefore he is not required to pass the bridge course (deficient subjects) again and thus the action of the respondents in withholding the provisional certificate is not legal and proper.

4. In para 5 of the affidavit it is stated as follows:

" 5. It is submitted that in accordance with the Notification Dt.17.6.2003 I have complied with all the terms and conditions contemplated thereto. Therefore, the Principal, Government Polytechnic College, Warangal gave me admission into 2nd year course and accordingly during the course of 2nd year I have passed Bridge course with deficient subjects. Therefore, I became entitled to pursue my 3rd year diploma course as such and having regard to the practice prevailing the 2nd respondent has given admission in 3rd year diploma course. Now a curious stand taken by the 1st respondent not to award the provisional certificate to me not withstanding with the fact that I have passed Bridge course/ deficient subjects in the year 2004. Therefore, the action of the 1st and 2nd respondents is illegal, arbitrary and violative of principles of natural justice, besides being violative of the terms and conditions as laid down in the Notification dt.17.6.2003."

5. The 1st respondent filed counter affidavit. One G.V.Ranganath, Secretary, State Board of Technical Education and Training has sworn to the counter affidavit. In the counter affidavit it is stated that since the candidates who passed the Intermediate Vocational Engineering Courses are directly admitted into second year of three year diploma courses without insisting the rank in the common entrance examination for Polytechnic, it was necessitated for the Commissioner of Technical Education to direct the candidates who got second year admission to pass the Bridge course and deficient subjects. Since the percentage of syllabus in the subjects of IVC is far less than the percentage of syllabus in the subjects of the first year diploma course, the Commissioner of Technical Education, A.P., Hyderabad has directed the respondent to submit the recommendation of experts in the respective branches for the admission of I.V.C. pass outs in the second year diploma. Accordingly, 1st respondent has submitted the recommendation of experts through letter-dated 4.4.2003 to the Commissioner of Technical Education. As per the recommendation of the experts, the percentage of syllabus covered in I.V.C. is far less than the percentage of syllabus in the first year diploma course. It is pertinent to refer the

relevant portion of the counter, which reads as under:

" As per the recommendation of the experts, a candidate who has admitted in the second year of three year diploma course in Computer Engineering Branch has to study Maths, Physics, Chemistry in addition to the Electrical, Engineering, Electronics and Computer Fundamentals, Engineering drawing, Workshop Pratice, Physics Lab and Chemistry lab. Except 10% of the syllabus in the subject of Electronics and Computer Fundamentals, the other subjects are not covered in the I.V.C. course. In view of this, in the notification, while calling for applications, it was clearly mentioned that the I.V.C. candidates who passed the bridge course for Maths, Physics and Chemistry, conducted by the Board of Intermediate Education has to pass the deficient subjects identified by this respondent. Out of the deficient subjects identified by the experts, this respondent has conducted examinations for electrical Engineering and Electronics and Computer Fundamentals. For the remaining subjects, examinations were conducted at the institution level. The petitioner has not passed the Electrical Engineering and Electronics and Computer Fundamentals, as deficient subjects. Unless the petitioner has completed the subjects, he is not entitled tog et the provisional certificate."

6. Heard learned counsel for both the parties.

7. Learned counsel appearing for the petitioner submits that the petitioner has already passed bridge course conducted by the Board of Intermediate Education and therefore there is no other bridge course required to be passed by the petitioner. He further submits that the very admission of the petitioner in III year course of Polytechnic indicates that the petitioner is not required to pass any other examination. In support of his submission he refers to the proceedings dated 30.7.2004 issued by the Director of Technical Education, Government of A.P., Hyderabad whereunder the petitioner has been permitted to pursue III year polytechnic course from Government Polytechnic College, Masab Tank, Hyderabad for the academic year 2004-05.

8. Learned Standing Counsel appearing for the respondents submits that the admission notification dated 17.6.2003 is very clear that the candidates who have been admitted to II year of Three year Diploma course are required to pass the

Bridge course and deficient subjects as identified by the 1st respondent before entering into final year diploma course. It is stated in the notification as follows:

> " …Admissions into these courses at II year stage are made on the basis of merit as decided by the marks (except English) secured by them in inter vocational course candidates passed in one attempt will be considered first and who qualify more than one will be considered latter in deciding the merit. Candidates appearing for advanced supplementary exams are also eligible to apply for admissions into these courses. However, they have to produce the proof of the intermediate vocational course on the day of counseling/admissions.
>
> **Note**: The candidates who studied IVC course during the year 2000-2002 and later have to pass the bridge course (in deficient subjects) as identified by the Secretary, SBTET, before entering final year diploma course."

It is explicit from the above notification that the candidates who have been admitted to II year of three year diploma course have to pass the Bridge course in deficient subjects as identified by 1st respondent before entering into final year diploma course. The deficient subjects in the bridge course have been pointed out by 1st respondent as under:

S.No.	DCME I Yr Subject Code No.2 SubjectName	Equivalent subjectIn IVC (ComputerScience)	Percentage of Syllabus		Remarks
			Covered	Not covered	
4.	CM 104, Electrical Engg.	Nil	-	100%	Needs study for admission into 2nd year Diploma in Computer engg.
5.	CM-105, electronics & Computer Fundamentals	Nil	10%	90%	Needs study for admission into 2nd year diploma in Computer Engg.

6.	CM-106, Engg. Drawing	Nil	--	100%	Needs study for admission into 2nd year Diploma in Computer Engg.

As per the particulars of deficiencies pointed out by the 1st respondent, the petitioner has to pass CM 104 Electrical Engineering, CM 105 electronics and Computer Fundamentals and CM 106, Engineering Drawing. The 1st respondent issued notification dated 23.7.2004 directing the candidates who are required to pass deficient subjects, to submit their application for examination. Schedule has also been fixed. When the petitioner has taken admission into II year polytechnic course subject to his passing the bridge course (deficient subjects) as identified by the 1st respondent, he cannot now be permitted to contend that he is not required to pass through the deficient subjects pointed out by 1st respondent

9. Accordingly, I find that this writ petition is devoid of merits and the same is dismissed. No costs.

Dated: 23-08-2005. (B.Seshasayana Reddy, J)

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